

EXHIBIT B

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3 The Honorable John C. Coughenour
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: VALVE ANTITRUST LITIGATION

Case No. 2:21-cv-00563-JCC

**NON-PARTY RIOT GAMES, INC.'S
RESPONSES AND OBJECTIONS TO
SUBPOENA**

Pursuant to Federal Rule of Civil Procedure 45, non-party Riot Games, Inc. ("Riot Games") hereby submits the following responses and objections ("Responses") to Defendant Valve Corporation's ("Defendant") subpoena, dated January 17, 2023 ("Subpoena").

PRELIMINARY STATEMENT

Riot Games is not a party to this action. Defendant nevertheless has served on Riot Games a subpoena demanding that it undertake a search for and production of documents that, to the extent Defendant has any basis to request, would require Riot Games to perform a costly, time-consuming, and burdensome search and to disclose Riot Games' confidential and sensitive business information. Riot Games thus objects to the entirety of the Subpoena as overbroad, unduly burdensome, harassing, and not proportional to the needs of the case.

The following responses are based on Riot Games' knowledge, information, and belief at this time. Furthermore, these responses were prepared based on Riot Games' good faith interpretation and understanding of the

1 Requests for Production (“RFPs”) included in the Subpoena. These responses are given without
2 prejudice to subsequent revisions or supplementation based upon any information, evidence, and
3 documentation that hereafter may be discovered, but Riot Games assumes no obligation to
4 supplement or amend voluntarily these responses to reflect information, evidence, documents, or
5 things discovered following service of these responses.

6 Riot Games’ responses to these RFPs are not intended to be, and shall not be construed as,
7 an agreement or concurrence by Riot Games with Defendant’s characterization of any facts,
8 circumstances, or legal obligations.

9

10 **GENERAL OBJECTIONS**

11 The following General Objections apply to each RFP in the Subpoena, and shall have the
12 same force and effect as if fully set forth in response to each RFP. Riot Games does not waive any
13 General Objections by providing specific responses and objections to the RFPs.

14

15 1. Riot Games objects to the production deadline of February 13, 2023 at 10:00 a.m.
16 on the grounds that it is unduly burdensome and harassing. To the extent that it produces any
17 documents, Riot Games will make an electronic production through counsel at a mutually
18 agreeable date after the parties meet and confer on these Responses.

19

20 2. Riot Games objects that the RFPs are vague, ambiguous, uncertain, overbroad,
unduly burdensome, and not proportional to Riot Games’ role as a non-party and the needs of the
21 case, including because the requests seek documents dating back over 20 years, from January 1,
22 2003 to present.

23

24 3. Riot Games objects to the RFPs as imposing significant and unreasonable expenses
on a non-party and asserts that, pursuant to Federal Rule of Civil Procedure 42(d)(2)(B)(ii),
25 Defendant is required to reimburse Riot Games for all expenses incurred in complying with these

1 requests. *See United States v. Columbia Broad. Sys., Inc.*, 666 F.2d 364, 371–72 (9th Cir. 1982)
 2 (non-parties entitled to compensation for costs of responding to subpoenas in antitrust case).

3 4. Riot Games objects to the RFPs to the extent that they attempt to impose
 4 obligations inconsistent with or in addition to those required by the Federal Rules of Civil
 5 Procedure, the Local Rules or Orders of the United States District Court for the Western District
 6 of Washington, or any other applicable authority, including but not limited to any obligation or
 7 requirement that Riot Games provide information or documents not within its possession, custody,
 8 or control, or to produce documents in a particular form or in accordance with prescribed
 9 procedures.

10 5. Riot Games objects to the RFPs to the extent that they seek information that is not
 11 relevant to the claims or defenses in this case.

12 6. Riot Games objects to the RFPs to the extent that they are vague, ambiguous,
 13 uncertain, or compound and thus would require Riot Games to speculate as to the RFP's meaning,
 14 would not enable Riot Games to adequately respond without acting at its peril, or could lead to a
 15 confusing, misleading, inaccurate, or incomplete response.

16 7. Riot Games objects to the RFPs and definitions to the extent that they are
 17 overbroad and unduly burdensome in that they are not reasonably limited in scope or require Riot
 18 Games to make an investigation that is not proportional to Riot Games' role as a non-party and the
 19 needs of this case, including to the extent the RFPs request that Riot Games provide narrative
 20 responses to the RFPs.

21 8. Riot Games objects to the RFPs and definitions to the extent that they seek private,
 22 privileged, or confidential commercial, financial, or proprietary business information.

23 9. Riot Games objects to the RFPs to the extent that they seek information, the
 24 disclosure of which would constitute an unwarranted invasion of affected persons' constitutional,
 25 statutory, or common-law rights of privacy and confidentiality.

1 10. Riot Games objects to the RFPs to the extent that they seek information subject to
2 confidentiality agreements, privacy, or other obligations with respect to third parties. To the
3 extent that Riot Games agrees to provide information that is subject to confidentiality agreements,
4 privacy, or other obligations with respect to third parties, Riot Games' agreement is subject to its
5 ability to disclose said information in compliance with those obligations.

6 11. Riot Games objects to the RFPs to the extent that they are speculative, lack
7 foundation, or improperly assume the existence of hypothetical facts that are incorrect or unknown
8 to Riot Games.

9 12. Riot Games objects to the RFPs to the extent that they seek information not within
10 Riot Games' possession, custody, or control.

11 13. Riot Games objects to the RFPs to the extent that they call for information or
12 purport to require production of documents that are public, already in Defendant's possession,
13 already identified or to be produced by any party to this action, or otherwise equally or more
14 readily available from public or other sources to which Defendant has equal or equivalent access.

15 14. Riot Games objects to the RFPs to the extent that they seek privileged information,
16 including but not limited to information protected by the attorney-client privilege, the attorney
17 work product doctrine, the joint defense privilege, and common interest privilege. The fact that
18 Riot Games does not specifically object to a request on the grounds that it seeks such privileged or
19 protected information or documents shall not be deemed a waiver of the protection afforded by
20 any applicable privilege or protection. Any privilege log that Riot Games produces will comply
21 with the requirements of Federal Rule of Civil Procedure 26(b)(5)(A)(ii).

22 15. Riot Games objects to the RFPs to the extent that they purport to require the
23 production of information from sources that are not reasonably accessible, including because of
24 undue burden or cost.

25 16. Riot Games objects to the RFPs to the extent they purport to impose an obligation
26 on Riot Games to conduct anything beyond a reasonable and diligent search of readily accessible

files and information where such files and information reasonably would be expected to be found, including RFPs that purport to require Riot Games to undertake a legal analysis or are more in the nature of an interrogatory, neither of which is appropriate for a non-party.

4 17. Any statement in any response to an RFP that Riot Games, notwithstanding its
5 objections, will produce documents is not a representation that any such documents exist. Rather,
6 any such statement represents that Riot Games, subject to its objections, will undertake to conduct
7 a reasonable search for, and shall produce responsive, non-privileged documents, if any, that are
8 within the scope of Riot Games' agreement to produce.

9 18. Riot Games' incorporates its Preliminary Statement into these General Objections
10 and into each specific objection set forth in Riot Games' responses to the RFPs below.

11 19. Each and every General Objection shall be deemed to be incorporated in full into
12 the individual response below, and all responses are provided subject to and without waiving any
13 of the General Objections or any objection contained in any specific response. The omission of
14 any General Objection in the specific response to the RFP is not intended to be and should not be
15 construed as a waiver or limitation of any General Objection to any RFP. Likewise, the inclusion
16 of any specific objection in any specific response to the RFP is not intended to be and should not
17 be construed as a waiver or limitation of any other General Objection or specific objection made
18 herein or that may be asserted at another date.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

20 | REQUEST FOR PRODUCTION NO. 1:

21 Documents sufficient to show, for each month from January 1, 2003 to the present, your
22 total sales revenues and units sold for Software for PCs, consoles, and mobile devices. For
23 purposes of responding to this Request,

- i. Software, not distributed through any Riot Games distribution platform, that Riot Games published but was developed by others;
 - ii. Software, not distributed through any Riot Games distribution platform, that Riot Games developed but was published by others;
 - iii. Software, not distributed through any Riot Games distribution platform, that Riot Games both developed and published;
 - iv. Software, distributed through any Riot Games distribution platform, that Riot Games published but was developed by others;
 - v. Software, distributed through any Riot Games distribution platform, that Riot Games developed but was published by others;
 - vi. Software, distributed through any Riot Games distribution platform, that Riot Games both developed and published; and

c. Software, distributed through any Riot Games distribution platform, that was neither developed nor published by Riot Games.

d. The sales revenue and unit sales data should separately reflect sales to US purchasers and sales to purchasers in the rest of the world;

e. The sales revenue and unit sales data should include, separately and for each company, sales of Software by all companies you acquired, operated, or in which you had a business interest from January 1, 2003 to the present, including without limitation Riot Forge, LLC, Radiant Entertainment, Inc., and Hypixel Studios Ltd.;

f. State, by month, whether the sales revenue data produced in response to this Request reflect wholesale prices, retail prices (*i.e.*, consumer prices), or some other measure. To the extent possible, please provide retail prices in responding to this Request; and

1 g. The sales revenue data should be net sales (gross sales less returns, less
2 chargebacks from credit card companies, payment processors or others, less sales
3 tax, and less value-added tax).

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

5 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
6 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
7 needs of the case, particularly with respect to Riot Games' third-party status and on the ground
8 that this RFP seeks two decades' worth of detailed data. Riot Games further objects to the RFP on
9 the ground that it seeks confidential and proprietary business information, including on the ground
10 that it seeks extremely sensitive and detailed information regarding Riot Games' sales revenue and
11 unit sales data. Riot Games further objects to the RFP to the extent it seeks documents in a form
12 that does not exist and to the extent it requires Riot Games to provide a narrative in response to the
13 RFP. Riot Games is willing to meet and confer on its objections to this RFP.

14 **REQUEST FOR PRODUCTION NO. 2:**

15 Documents sufficient to show, for each month from January 1, 2003 to the present for
16 which you produce total sales revenue and unit sales data in response to Request no. 1:

- 17 a. The revenue you received or retained for Software not distributed through any Riot
18 Games distribution platform, including without limitation for Software offered on
19 distribution platforms other than any Riot Games distribution platform and
20 Software sold in wholesale transactions for resale by others;
- 21 b. The revenue share (sometimes referred to as the "commission") you received for
22 Software published by others and distributed through any Riot Games distribution
23 platform; and
- 24 c. The revenue you retained, net of payments to others, for Software published by you
25 and distributed through any Riot Games distribution platform.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

2 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
 3 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
 4 needs of the case, particularly with respect to Riot Games' third-party status and on the ground
 5 that this RFP seeks two decades' worth of detailed data. Riot Games further objects to the RFP on
 6 the ground that it seeks confidential and proprietary business information, including on the ground
 7 that it seeks extremely sensitive and detailed information regarding Riot Games' total sales
 8 revenue and unit sales data on a month-by-month basis. Riot Games further objects to the RFP to
 9 the extent it seeks documents in a form that does not exist and to the extent it requires Riot Games
 10 to provide a narrative in response to the RFP. Riot Games further objects to the terms "revenue
 11 share" and "commission" as vague and ambiguous. Riot Games is willing to meet and confer on
 12 its objections to this RFP.

13 **REQUEST FOR PRODUCTION NO. 3:**

14 Documents sufficient to show, for each month from January 1, 2003 to the present for
 15 which you produce total sales revenue and unit sales data in response to Request no. 1, the
 16 percentage of reported total sales revenues and units attributable to sales in physical packaging and
 17 to digital distribution of Software designed for operation on consoles.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

19 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
 20 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
 21 needs of the case, particularly with respect to Riot Games' third-party status and on the ground
 22 that this RFP seeks two decades' worth of detailed data. Riot Games further objects to the RFP on
 23 the ground that it seeks confidential and proprietary business information, including on the ground
 24 that it seeks extremely sensitive and detailed information regarding Riot Games' sales revenue and
 25 unit sales data on a month-by-month basis. Riot Games further objects to the RFP to the extent it
 26 seeks documents in a form that does not exist and to the extent it requires Riot Games to provide a

1 narrative in response to the RFP. Riot Games further objects to the phrase “attributable to sales in
2 physical packaging and to digital distribution of Software designed for operation on consoles” as
3 vague and ambiguous. Riot Games is willing to meet and confer on its objections to this RFP.

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5 **REQUEST FOR PRODUCTION NO. 4:**

6 Documents sufficient to show, for each month from January 1, 2003 to the present for
7 which you produce total sales revenue and unit sales data in response to Request no. 1, the
8 percentage of reported total sales revenues and units attributable to sales in physical packaging and
9 to digital distribution of Software designed for operation on PCs.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

11 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
12 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
13 needs of the case, particularly with respect to Riot Games’ third-party status and on the ground
14 that this RFP seeks two decades’ worth of detailed data. Riot Games further objects to the RFP on
15 the ground that it seeks confidential and proprietary business information, including on the ground
16 that it seeks extremely sensitive and detailed information regarding Riot Games’ sales revenue and
17 unit sales data on a month-by-month basis. Riot Games further objects to the RFP to the extent it
18 seeks documents in a form that does not exist and to the extent it requires Riot Games to provide a
19 narrative in response to the RFP. Riot Games further objects to the phrase “attributable to sales in
20 physical packaging and to digital distribution of Software designed for operation on PCs” as vague
21 and ambiguous. Riot Games is willing to meet and confer on its objections to this RFP.

22 **REQUEST FOR PRODUCTION NO. 5:**

23 Documents sufficient to show the proportion of total sales revenues and units sold,
24 described in the documents produced in response to Request no. 1, that were attributable to
25 physical packaging of Software that contained codes or keys to enable downloading of the
26 software in contrast to physical packaging that contained digital media, *e.g.*, CDs or DVDs.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

2 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
 3 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
 4 needs of the case, particularly with respect to Riot Games' third-party status and on the ground
 5 that this RFP seeks two decades' worth of detailed data. Riot Games further objects to the RFP on
 6 the ground that it seeks confidential and proprietary business information, including on the ground
 7 that it seeks extremely sensitive and detailed information regarding Riot Games' sales revenue and
 8 unit sales data. Riot Games further objects to the RFP to the extent it seeks documents in a form
 9 that does not exist and to the extent it requires Riot Games to provide a narrative in response to the
 10 RFP. Riot Games is willing to meet and confer on its objections to this RFP.

11 **REQUEST FOR PRODUCTION NO. 6:**

12 Documents sufficient to show how, rather than providing digital media inside physical
 13 packaging, the provision of codes or keys for downloading and activation of games in physical
 14 packaging affected the revenues, costs, and margins of the Software sold by you.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

16 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
 17 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
 18 needs of the case, particularly with respect to Riot Games' third-party status and on the ground
 19 that this RFP seeks two decades' worth of detailed data. Riot Games further objects to the RFP on
 20 the ground that it seeks confidential and proprietary business information, including on the ground
 21 that it seeks extremely sensitive and detailed information regarding Riot Games' revenue, costs,
 22 and margins. Riot Games further objects to the RFP to the extent it seeks documents in a form
 23 that does not exist and to the extent it requires Riot Games to provide a narrative in response to the
 24 RFP. Riot Games further objects to the phrase "affected the revenues, costs, and margins" as
 25 vague and ambiguous and assuming facts. Riot Games further objects to this RFP on the ground
 26

1 that it is duplicative and cumulative of RFP No. 5. Riot Games is willing to meet and confer on its
2 objections to this RFP.

3 **REQUEST FOR PRODUCTION NO. 7:**

4 Documents sufficient to show how, rather than providing digital media inside physical
5 packaging, the online distribution of codes or keys for downloading and activation of games
6 affected the revenues, costs, and margins of the Software sold by you.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

8 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
9 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
10 needs of the case, particularly with respect to Riot Games' third-party status and on the ground
11 that this RFP seeks two decades' worth of detailed data. Riot Games further objects to the RFP on
12 the ground that it seeks confidential and proprietary business information, including on the ground
13 that it seeks extremely sensitive and detailed information regarding Riot Games' revenue, costs,
14 and margins. Riot Games further objects to the RFP to the extent it seeks documents in a form
15 that does not exist and to the extent it requires Riot Games to provide a narrative in response to the
16 RFP. Riot Games further objects to the phrase "affected the revenues, costs, and margins of the
17 Software sold by you" as vague and ambiguous and assuming facts. Riot Games further objects to
18 this RFP on the ground that it is duplicative and cumulative of RFP No. 5. Riot Games is willing
19 to meet and confer on its objections to this RFP.

20 **REQUEST FOR PRODUCTION NO. 8:**

21 Documents sufficient to show how the provision, at no charge to publishers, of codes or
22 keys for downloading and activation of games affected the revenues, costs, and margins of the
23 Software sold by you.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

25 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
26 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the

1 needs of the case, particularly with respect to Riot Games' third-party status and on the ground
 2 that this RFP seeks two decades' worth of detailed data. Riot Games further objects to the RFP on
 3 the ground that it seeks confidential and proprietary business information, including on the ground
 4 that it seeks extremely sensitive and detailed information regarding Riot Games' revenue, costs,
 5 and margins. Riot Games further objects to the RFP to the extent it seeks documents in a form
 6 that does not exist and to the extent it requires Riot Games to provide a narrative in response to the
 7 RFP. Riot Games further objects to the phrase "affected the revenues, costs, and margins" as
 8 vague and ambiguous and calling for expert testimony. Riot Games further objects to this RFP on
 9 the ground that it is duplicative and cumulative of RFP No. 3 and RFP No. 4. Riot Games is
 10 willing to meet and confer on its objections to this RFP.

REQUEST FOR PRODUCTION NO. 9:

12 Documents sufficient to determine, separately by total unit sales and total sales revenues,
 13 the top five resellers to which you distributed Software in physical packaging, and the
 14 corresponding total unit sales and total sales revenues for each reseller so identified.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

16 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
 17 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
 18 needs of the case, particularly with respect to Riot Games' third-party status and on the ground
 19 that this RFP seeks two decades' worth of information about Riot Games' business relationships.
 20 Riot Games further objects to the RFP on the ground that it seeks confidential and proprietary
 21 business information, including on the ground that it seeks extremely sensitive and detailed
 22 information regarding Riot Games' unit sales and revenues by reseller. Riot Games further
 23 objects to the RFP to the extent it seeks documents in a form that does not exist and to the extent it
 24 requires Riot Games to provide a narrative in response to the RFP. Riot Games is willing to meet
 25 and confer on its objections to this RFP.

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1 **REQUEST FOR PRODUCTION NO. 10:**

2 Documents sufficient to determine, separately by total unit sales and total sales revenues,
3 the top five resellers to which you distributed Software for digital download, and the
4 corresponding total unit sales and total sales revenues for each reseller so identified.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

6 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
7 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
8 needs of the case, particularly with respect to Riot Games' third-party status and on the ground
9 that this RFP seeks two decades' worth of information about Riot Games' business relationships.
10 Riot Games further objects to the RFP on the ground that it seeks confidential and proprietary
11 business information, including on the ground that it seeks extremely sensitive and detailed
12 information regarding Riot Games' unit sales and revenues by reseller. Riot Games further
13 objects to the RFP to the extent it seeks documents in a form that does not exist and to the extent it
14 requires Riot Games to provide a narrative in response to the RFP. Riot Games is willing to meet
15 and confer on its objections to this RFP.

16 **REQUEST FOR PRODUCTION NO. 11:**

17 Documents sufficient to show for each month from January 1, 2003 to the present, the
18 average amount of the total sales revenue that was received by developers of Software for which
19 you acted as a publisher. For purposes of this Request, "developers" refers to persons who are not
20 your employees or agents, and includes entities that are separately organized from you and not
21 divisions or business units otherwise under your control.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

23 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
24 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
25 needs of the case, particularly with respect to Riot Games' third-party status and on the ground
26 that this RFP seeks two decades' worth of information about Riot Games' business relationships.

1 Riot Games further objects to the RFP on the ground that it seeks confidential and proprietary
2 business information, including on the ground that it seeks extremely sensitive and detailed
3 information regarding Riot Games' sales revenue. Riot Games further objects to the RFP to the
4 extent it seeks documents in a form that does not exist and to the extent it requires Riot Games to
5 provide a narrative in response to the RFP. Riot Games further objects to the phrase "average
6 amount of the total sales revenue" as vague and ambiguous because the RFP does not define this
7 term or specify the method of calculating an average. Riot Games is willing to meet and confer on
8 its objections to this RFP.

9 **REQUEST FOR PRODUCTION NO. 12:**

10 Documents sufficient to show, from January 1, 2003 to the present, what companies and
11 products you regard as included in the markets that include distribution of games.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

13 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
14 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
15 needs of the case, particularly with respect to Riot Games' third-party status and on the ground
16 that this RFP seeks two decades' worth of information about Riot Games' business strategy. Riot
17 Games further objects to the RFP on the ground that it seeks confidential and proprietary business
18 information. Riot Games further objects to the RFP to the extent it seeks documents in a form that
19 does not exist and to the extent it requires Riot Games to provide a narrative in response to the
20 RFP. Riot Games further objects to the phrase "you regard as included in the markets that include
21 distribution of games" as vague and ambiguous. Riot Games is willing to meet and confer on its
22 objections to this RFP.

23 **REQUEST FOR PRODUCTION NO. 13:**

24 Documents sufficient to show, from January 1, 2003 to the present, whether you regard
25 Valve as a competitor to Riot Games in sales of games, and whether you regard Steam as a
26 competitor to any Riot Games distribution platform.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

2 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
 3 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
 4 needs of the case, particularly with respect to Riot Games' third-party status and on the ground
 5 that this RFP seeks two decades' worth of information about Riot Games' business strategy. Riot
 6 Games further objects to the RFP on the ground that it seeks confidential and proprietary business
 7 information. Riot Games further objects to the RFP to the extent it seeks documents in a form that
 8 does not exist and to the extent it requires Riot Games to provide a narrative in response to the
 9 RFP. Riot Games further objects to the phrases "you regard Valve as a competitor to Riot Games
 10 in sales of games" and "whether you regard Steam as a competitor to any Riot Games distribution
 11 platform" as vague and ambiguous. Riot Games is willing to meet and confer on its objections to
 12 this RFP.

13 **REQUEST FOR PRODUCTION NO. 14:**

14 All documents, from January 1, 2003 to the present, that list, compare, count, analyze, or
 15 describe one or more features of both Steam and any Riot Games distribution platform.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

17 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
 18 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
 19 needs of the case, particularly with respect to Riot Games' third-party status, and on the ground
 20 that it seeks "[a]ll documents" over two decades on the broad topic of features of distribution
 21 platforms. Riot Games further objects to the RFP on the ground that it seeks confidential and
 22 proprietary business information. Riot Games further objects to the RFP to the extent it seeks
 23 documents in a form that does not exist and to the extent it requires Riot Games to provide a
 24 narrative in response to the RFP. Riot Games further objects to the RFP to the extent it seeks
 25 documents and information protected by the attorney-client privilege or work product. Riot
 26 Games further objects to the phrases "list, compare, count, analyze, or describe" and "features . . .

1 of distribution platform[s]" as overly broad, vague, and ambiguous, because it is unclear what type
2 of documents are sought by this RFP. Riot Games is willing to meet and confer on its objections
3 to this RFP.

4 **REQUEST FOR PRODUCTION NO. 15:**

5 All documents, from January 1, 2003 to the present, that discuss your potential or actual
6 adoption, on any Riot Games distribution platform, of a feature of Steam or one similar to a
7 feature of Steam.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

9 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
10 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
11 needs of the case, particularly with respect to Riot Games' third-party status, and on the ground
12 that it seeks "[a]ll documents" over two decades on the broad topic of "potential or actual
13 adoption" of features of distribution platforms. Riot Games further objects to the RFP on the
14 ground that it seeks confidential and proprietary business information. Riot Games further objects
15 to the RFP to the extent it seeks documents in a form that does not exist and to the extent it
16 requires Riot Games to provide a narrative in response to the RFP. Riot Games further objects to
17 the RFP to the extent it seeks documents and information protected by the attorney-client privilege
18 or work product. Riot Games further objects to the phrases "potential or actual adoption . . of a
19 feature of Steam or one similar to a feature of Steam" as overly broad, vague, and ambiguous.
20 Riot Games is willing to meet and confer on its objections to this RFP.

21 **REQUEST FOR PRODUCTION NO. 16:**

22 All documents, from January 1, 2003 to the present, that calculate, discuss, compare, or
23 describe the market share held by Steam or any Riot Games distribution platform.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

25 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
26 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the

1 needs of the case, particularly with respect to Riot Games' third-party status, and on the ground
 2 that it seeks “[a]ll” documents in this category. Riot Games further objects to the RFP on the
 3 ground that it seeks confidential and proprietary business information, including on the ground
 4 that it seeks extremely sensitive information regarding Riot Games’ business strategy. Riot
 5 Games further objects to the RFP to the extent it seeks documents in a form that does not exist and
 6 to the extent it requires Riot Games to provide a narrative in response to the RFP. Riot Games
 7 further objects to the RFP to the extent it seeks documents and information protected by the
 8 attorney-client privilege or work product. Riot Games is willing to meet and confer on its
 9 objections to this RFP.

10 **REQUEST FOR PRODUCTION NO. 17:**

11 All documents that describe, report, or calculate the cost of (a) developing any Riot Games
 12 distribution platform, (b) individual features you have added to any Riot Games distribution
 13 platform, or (c) the profit margin you realized on any Riot Games distribution platform.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

15 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
 16 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
 17 needs of the case, particularly with respect to Riot Games’ third-party status, and on the ground
 18 that it seeks “[a]ll documents” associated with the costs of Riot Games’ distribution platform.
 19 Riot Games further objects to the RFP on the ground that it seeks confidential and proprietary
 20 business information, including on the ground that it seeks extremely sensitive information
 21 regarding the development of Riot Games’ distribution platform. Riot Games further objects to
 22 the RFP to the extent it seeks documents in a form that does not exist and to the extent it requires
 23 Riot Games to provide a narrative in response to the RFP. Riot Games further objects to the RFP
 24 to the extent it seeks documents and information protected by the attorney-client privilege or work
 25 product. Riot Games is willing to meet and confer on its objections to this RFP.

1 **REQUEST FOR PRODUCTION NO. 18:**

2 All documents describing, referring, or relating to any policies or guidelines for pricing of
3 Software on any Riot Games distribution platform, including any policies or guidelines for pricing
4 of games on any Riot Games distribution platform that are also sold on storefronts operated by
5 other companies.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

7 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
8 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
9 needs of the case, particularly with respect to Riot Games' third-party status, and on the ground
10 that it seeks “[a]ll documents” relating to the pricing of software. Riot Games further objects to
11 the RFP on the ground that it seeks confidential and proprietary business information. Riot Games
12 further objects to the RFP to the extent it seeks documents in a form that does not exist and to the
13 extent it requires Riot Games to provide a narrative in response to the RFP. Riot Games further
14 objects to the terms “polices,” “guidelines,” and “pricing” as vague and ambiguous. Riot Games
15 further objects to the RFP to the extent it seeks documents and information protected by the
16 attorney-client privilege or work product. Riot Games is willing to meet and confer on its
17 objections to this RFP.

18 **REQUEST FOR PRODUCTION NO. 19:**

19 All documents describing, referring, or relating to your decision to launch any Riot Games
20 distribution platform, including but not limited to Riot's League of Legends launcher.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

22 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
23 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
24 needs of the case, particularly with respect to Riot Games' third-party status, and on the ground
25 that it seeks “[a]ll documents” relating to Riot Games' decision to launch a distribution platform.
26 Riot Games further objects to the RFP on the ground that it seeks confidential and proprietary

1 business information. Riot Games further objects to the RFP to the extent it seeks documents in a
2 form that does not exist and to the extent it requires Riot Games to provide a narrative in response
3 to the RFP. Riot Games further objects to the RFP to the extent it seeks documents and
4 information protected by the attorney-client privilege or work product. Riot Games is willing to
5 meet and confer on its objections to this RFP.

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7 **REQUEST FOR PRODUCTION NO. 20:**

8 All documents describing, referring, or relating to the ease, difficulty, expense, or barriers,
9 if any, to creating or maintaining a distribution platform in competition with others.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

11 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
12 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
13 needs of the case, particularly with respect to Riot Games' third-party status, and on the ground
14 that it seeks “[a]ll documents” relating to “the ease, expense, or barriers, if any, to creating or
15 maintaining a distribution platform in competition with others.” Riot Games further objects to the
16 RFP on the ground that it seeks confidential and proprietary business information. Riot Games
17 further objects to the RFP to the extent it seeks documents in a form that does not exist and to the
18 extent it requires Riot Games to provide a narrative in response to the RFP. Riot Games further
19 objects to the RFP to the extent it seeks documents and information protected by the attorney-
20 client privilege or work product. Riot Games is willing to meet and confer on its objections to this
21 RFP.

22 **REQUEST FOR PRODUCTION NO. 21:**

23 All documents relating to the reasons you distribute or considered distributing games on
24 other stores or distribution platforms, including Steam, instead of or in addition to any Riot Games
25 distribution platform, including the reasons you stopped releasing games on Steam or began doing
26 so again (if you ever made such decisions).

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

2 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
 3 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
 4 needs of the case, particularly with respect to Riot Games' third-party status, and on the ground
 5 that it seeks “[a]ll documents” relating to Riot Games’ reasons for distributing games on various
 6 distribution platforms. Riot Games further objects to the RFP on the ground that it seeks
 7 confidential and proprietary business information. Riot Games further objects to the RFP to the
 8 extent it seeks documents in a form that does not exist and to the extent it requires Riot Games to
 9 provide a narrative in response to the RFP. Riot Games further objects to the RFP to the extent it
 10 seeks documents and information protected by the attorney-client privilege or work product. Riot
 11 Games is willing to meet and confer on its objections to this RFP.

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13 **REQUEST FOR PRODUCTION NO. 22:**

14 All documents relating to the reasons you do not distribute League of Legends on Steam or
 15 your consideration of doing so.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

17 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
 18 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
 19 needs of the case, particularly with respect to Riot Games' third-party status, and on the ground
 20 that it seeks “[a]ll documents” relating to Riot Games’ reasons for “not distribut[ing] League of
 21 Legends on Steam or [Riot Games’] consideration of doing so.” Riot Games further objects to the
 22 RFP on the ground that it seeks confidential and proprietary business information. Riot Games
 23 further objects to the RFP to the extent it seeks documents in a form that does not exist and to the
 24 extent it requires Riot Games to provide a narrative in response to the RFP. Riot Games further
 25 objects to the RFP to the extent it seeks documents and information protected by the attorney-

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1 client privilege or work product. Riot Games is willing to meet and confer on its objections to this
2 RFP.

3 **REQUEST FOR PRODUCTION NO. 23:**

4 All documents describing, referring, or relating to customers of any Riot Games
5 distribution platform who are also customers of Steam, including all documents calculating,
6 estimating, or discussing the numbers of such persons, including at specific times or during
7 specific periods.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

9 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
10 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
11 needs of the case, particularly with respect to Riot Games' third-party status, and on the ground
12 that it seeks "[a]ll documents" relating to Riot Games' customers who are also customers of
13 Steam. Riot Games further objects to the RFP on the ground that it seeks confidential and
14 proprietary business information. Riot Games further objects to the RFP to the extent it seeks
15 documents in a form that does not exist and to the extent it requires Riot Games to provide a
16 narrative in response to the RFP. Riot Games further objects to the RFP to the extent it seeks
17 documents and information protected by the attorney-client privilege or work product. Riot
18 Games is willing to meet and confer on its objections to this RFP.

19 **REQUEST FOR PRODUCTION NO. 24:**

20 All documents describing, referring, or relating to features and functionality for cross-play
21 between games offered on any Riot Games distribution platform and any other platform, including
22 but not limited to Steam, including without limitation the features and functionality described at
23 <https://dev.epicgames.com/docs/epic-account-services/cross-play-across-platforms>.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

25 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
26 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the

1 needs of the case, particularly with respect to Riot Games' third-party status, and on the ground
 2 that it seeks “[a]ll documents” relating to “features and functionality for cross-play between
 3 games.” Riot Games further objects to the RFP on the ground that it seeks confidential and
 4 proprietary business information. Riot Games further objects to the RFP to the extent it seeks
 5 documents in a form that does not exist and to the extent it requires Riot Games to provide a
 6 narrative in response to the RFP. Riot Games further objects to the RFP to the extent it seeks
 7 documents and information protected by the attorney-client privilege or work product. Riot
 8 Games is willing to meet and confer on its objections to this RFP.

9 **REQUEST FOR PRODUCTION NO. 25:**

10 All documents discussing, describing, or analyzing competition in the market or markets
 11 that include distribution of games, including all such documents you produced in discovery or
 12 otherwise in In re: *Google Play Store Antitrust Litig.*, No. 3:21-md-02981-JD (N.D. Cal.) or *Epic*
 13 *Games, Inc. v. Apple Inc.*, No. 4:20-cv-05640-YGR (N.D. Cal.).

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

15 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
 16 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
 17 needs of the case, particularly with respect to Riot Games' third-party status, and on the ground
 18 that it seeks “[a]ll documents discussing, describing or analyzing competition in the market or
 19 markets that include distribution of games.” Riot Games did not produce documents in In re:
 20 *Google Play Store Antitrust Litig.*, No. 3:21-md-02981-JD (N.D. Cal.) or *Epic Games, Inc. v.*
 21 *Apple Inc.*, No. 4:20-cv-05640-YGR (N.D. Cal.) and is a non-party to both of those actions as
 22 well. Riot Games further objects to the RFP on the ground that it seeks confidential and
 23 proprietary business information. Riot Games further objects to the RFP to the extent it seeks
 24 documents in a form that does not exist and to the extent it requires Riot Games to provide a
 25 narrative in response to the RFP. Riot Games further objects to the phrase “market or markets that
 26 include distribution of games” as vague and ambiguous. Riot Games further objects to the RFP to

1 the extent it seeks documents and information protected by the attorney-client privilege or work
2 product. Riot Games is willing to meet and confer on its objections to this RFP.

3 **REQUEST FOR PRODUCTION NO. 26:**

4 All documents you provided to, or you received from, any state, federal, or international
5 regulator, government entity, lobbyist, trade association, or consultant referring or relating to any
6 investigation or review of antitrust, competition, or consumer protection issues, or proposed or
7 existing regulation involving, Riot Games, any Riot Games distribution platform, Steam, or any
8 other developers, publishers, or distributors of Software.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

10 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
11 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
12 needs of the case, particularly with respect to Riot Games' third-party status, and on the ground
13 that it seeks “[a]ll documents” provided or received from a wide variety of sources “relating to any
14 investigation or review of antitrust, competition, or consumer protection issues, or proposed or
15 existing regulation.” Riot Games further objects to the RFP on the ground that it seeks
16 confidential and proprietary business information. Riot Games further objects to the RFP on the
17 ground that it seeks the confidential information of third parties. Riot Games further objects to the
18 RFP to the extent it seeks documents in a form that does not exist and to the extent it requires Riot
19 Games to provide a narrative in response to the RFP. Riot Games is willing to meet and confer on
20 its objections to this RFP.

21 **REQUEST FOR PRODUCTION NO. 27:**

22 All documents describing, referring, or relating to *In re Valve Antitrust Litigation*, No.
23 2:21-cv-00563-JCC (W.D. Wash.) or the lawsuits filed by Wolfire Games, LLC, Dark Catt
24 Studios Holdings, Inc., and Dark Catt Studios Interactive LLC consolidated therein.

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1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

2 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
 3 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
 4 needs of the case, particularly with respect to Riot Games' third-party status. Riot Games further
 5 objects to the RFP to the extent it seeks documents and information protected by the attorney-
 6 client privilege or work product. Riot Games is willing to meet and confer on its objections to this
 7 RFP.

8 **REQUEST FOR PRODUCTION NO. 28:**

9 All documents and communications between you, or anyone employed by or representing
 10 you, and any employee or representative of, or attorney representing, Wolfire Games, LLC, Dark
 11 Catt Studios Holdings, Inc., or Dark Cat Studios Interactive LLC, including without limitation all
 12 documents and communications referring or relating to *In re Valve Antitrust Litigation*, No. 2:21-
 13 cv-00563-JCC (W.D. Wash.) or the lawsuits filed by Wolfire Games, LLC, Dark Catt Studios
 14 Holdings, Inc., and Dark Catt Studios Interactive LLC consolidated therein, or the subject matter
 15 or allegations of the foregoing lawsuits.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

17 Riot Games incorporates its General Objections. Riot Games further objects to this RFP
 18 on the ground that it is overbroad, unduly burdensome, harassing, and not proportional to the
 19 needs of the case, particularly with respect to Riot Games' third-party status. Riot Games is
 20 willing to meet and confer on its objections to this RFP.

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1 DATED: February 1, 2023

MUNGER, TOLLES & OLSON LLP

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By: /s/ Lisa J. Demsky
Lisa J. Demsky

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CERTIFICATE OF SERVICE

I certify that on February 1, 2023, I caused Non-Party Riot Games, Inc.'s Responses and Objections to Subpoena to be served via email on counsel for Valve Corporation:

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/s/ Shannon Aminirad
Shannon Aminirad